

Attachment C

IN THE HIGH COURT OF JUSTICIARY

LETTER OF REQUEST

in the Indictment

at the instance of
HER MAJESTY'S ADVOCATE
for the Public Interest

against

JOHN LAFFERTY, born 12 September 1998, residing at 10 Craighall Street,
Raploch, Stirling, Scotland

The Honourable Lord Turnbull, one of the Lords Commissioners of Justiciary, presents his compliments to the Office of International Affairs, Criminal Division, US Department of Justice, 1301 New York Avenue NW, Washington DC 20005, the United States of America and has the honour of informing it of the following facts:

1. The High Court of Justiciary, of which the Honourable Lord Turnbull is one of the judges, is the supreme criminal court in Scotland and exercises a jurisdiction as a trial court.
2. The Lord Advocate the Right Honourable James W Wolffe QC, is responsible for the investigation of crime in Scotland and the prosecution of offenders. He is assisted by a number of deutes, who are called Advocate Deutes.
3. Criminal proceedings have been instituted before the High Court of Justiciary at the instance of Her Majesty's Advocate against John Lafferty, who is presently charged with the crimes of attempted murder and possession of an offensive weapon, contrary to section 47(1) of the Criminal Law (Consolidation) (Scotland) Act 1995. Said John Lafferty has been indicted for trial at a sitting of the High Court of Justiciary at Glasgow. A date for any trial has not yet been fixed. A Preliminary Hearing in respect of the case is scheduled to take place on 25 November 2019 at the High Court of Justiciary at Glasgow. A copy of the Indictment is annexed hereto at Annex B.
4. The offence of murder is defined in Scots law as any wilful act causing the destruction of life, whether intended to kill or displaying such wicked recklessness as to imply a disposition depraved enough to be regardless of consequences. Under the law of Scotland any attempt to commit a crime is treated as if the crime had been completed. It is a common law offence and

hence not contained in any statute. The maximum sentence on conviction on indictment for attempted murder is life imprisonment.

5. The crime of Prohibition of the carrying of offensive weapons contrary to section 47 of the Criminal Law (Consolidation) (Scotland) Act 1995 is defined in Scots law as being an offence for any person to who has with him in any public place any offensive weapon. The maximum punishment upon conviction of the offence is imprisonment for a period of 5 years and a fine. A copy of the legislation is attached to this letter of request at Annex C
6. It has been shown to the Honourable Lord Turnbull on application by Her Majesty's Advocate, a copy of which is annexed to this request, that it is necessary for the proper adjudication of the trial that the evidence of Nick Tuma, born 14 February 1997, residing at 710 Cherry Creek Road, Marquette, Michigan 4985, United States of America be given through a live television link. A copy of the statement provided by the witness to officers of the Police Service of Scotland on 20 December 2018 is annexed to the said letter at Annex A.
7. The Criminal Procedure (Scotland) Act 1995 empowers the High Court of Justiciary to request your assistance and facilities in the giving of that evidence by the said Nick Tuma who resides within your jurisdiction through a live television link.
8. Arrangements in Scotland are to be made by The Clerk of Justiciary, Parliament House, Edinburgh, Scotland.
9. In thanking the Office of International Affairs, Criminal Division, US Department of Justice, 1301 New York Avenue NW, Washington DC 20005, the United States of America in advance for its co-operation in this case, the Honourable Lord Turnbull avails himself of this opportunity to renew the assurance of his high consideration.

A handwritten signature in black ink, appearing to read 'A. D. Turnbull', written in a cursive style.

Lord Commissioner of Justiciary

Dated this 2nd day of November 2019

WITNESS STATEMENT

Witness No: 8

Agency No: PCS0166241218

PF Ref: ST18002684

SECTION 1: Disclosable Details

Surname : Tuma
Forename(s) : Nick
Age : 21
Occupation : Student
Disclosable address : FLAT-E 6 Lower Bridge Street
Stirling
FK8 1AB

SECTION 2: Provenance - all mandatory fields

Statement taken by DSGT Harley, William: PCSWH10064.

Place, date and time : Home Address, 08-01-2019 at 23:15:00

Other person(s) present :

Source : statement form

Authentication : read over

SECTION 3: Free Text

I am Nick Tuma and reside at the address I've just given.

Tonight, Skylar and I walked a friend to the train station, once we'd seen them there safely, we walked back towards our homes. Near to the turn off to Tesco, about half past nine or quarter to ten, we just accidentally bumped into a guy. He asked what time it is, and carried on talking. I could see he had blood on his hands and he said,

"I'VE STABBED A GUY".

I thought this was really weird, but he pulled out a small folding pocket knife. I don't know what colour, but it had blood on it, he showed it to me, he said,

"THIS IS WHAT I STABBED HIM WITH"

He said he'd been hit with a bat and didn't want to go back to prison. He could see we were slightly shocked and was then complaining that he'd got blood all over his trainers.

He was about 20, 6'2", slim, wearing a black hoodie and had short dark hair, he might have had jeans on but I'm not sure. He then walked off towards Tesco and Skylar and I walked past Pizza Hut as I didn't want to talk to him anymore.

I could identify him again.

WITNESS STATEMENT

This is a true and accurate account.

****Statement taken over the phone****

HIGH COURT OF JUSTICIARY AT GLASGOW
Preliminary Hearing: 14 October 2019

ST18002684

5 JOHN LAFFERTY, born 12 September 1998, whose domicile of citation has been specified as 10 Craighall Street, Raploch, Stirling

you are indicted at the instance of Her Majesty's Advocate, and the charges against you is that

10 (001) on 16 December 2018 at Stirling Council Homeless Unit, Springkerse House, Springkerse Road, Stirling you JOHN LAFFERTY did assault Kevin Andrew Dudgeon, c/o Police Service of Scotland, Stirling and did repeatedly punch him on the body, repeatedly strike him on the body with a knife and thereafter
15 pursue him out of the building, all to his severe injury, permanent disfigurement and to the danger of his life and did attempt to murder him;

and

20 (002) on 16 December 2018 at Stirling Council Homeless Unit, Springkerse House, Springkerse Road, Wallace Street, Douglas Street, Bruce Street, all Stirling, and elsewhere, being a public place, you JOHN LAFFERTY did, without reasonable excuse or lawful authority, have with you an offensive weapon,
25 namely a folding pocket knife: CONTRARY to the Criminal Law (Consolidation) (Scotland) Act 1995, Section 47(1) as amended.

LIST OF PRODUCTIONS

PRO NO	1	Scene Entry Log
	2	Schedule
	3	Certificate
	4	Joint Report by Lesley-Anne Brown and Karen McBride, both Reporting Fingerprint Examiners, Forensic Services, Scottish Police Authority, Glasgow Fingerprint Unit, Scottish Crime Campus, Cragneath Drive, Gartcosh, dated 15 January 2019
	5	Fingerprint Book of Evidence
	6	Statement
	7/13	Notebook Extracts
	14/15	Statements
	16	Notebook Extract
	17/18	Books of Photographs
	19	Joint Report by Gary Nolan, BSc (Hons) PhD and Sarah Louise Clement, BSc (Hons), both Forensic Scientists, Forensic Services, Scottish Police Authority, West Victoria Dock Road, Dundee, dated 23 May 2019 and Notice is hereby given in terms of Section 281(2) of the Criminal Procedure (Scotland) Act 1995 that it is intended to call only one of the said forensic scientists to give evidence in respect thereof

LABEL NO.	1	Disc
	2/3	DNA Kits
	4	Knife
	5/6	Swabs
	7/8	Shoes
	9	Mobile Telephone
	10	Jacket

LIST OF WITNESSES

- 001 KEVIN ANDREW DUDGEON
c/o Police Service of Scotland, Stirling
- 002 LAUREN DOREEN CURRIE
c/o Police Service of Scotland, Stirling
- 003 THOMAS DUFFY
c/o Police Service of Scotland, Stirling
- 004 MARK LAWLESS
c/o Police Service of Scotland, Stirling
- 005 JAMES HAMILTON
c/o Police Service of Scotland, Stirling
- 006 THOMAS THOMSON
c/o Police Service of Scotland, Stirling
- 007 SKYLAR MCMAHAN
c/o Police Service of Scotland, Stirling
- 008 NICK TUMA
c/o Police Service of Scotland, Stirling
- 009 SAMANTHA FYFE, Paramedic
c/o Scottish Ambulance Service, Lagrannoch Industrial Estate, Callander
- 010 PHILIP GUY HARMSTON, Paramedic
c/o Scottish Ambulance Service, Lovers Walk, Stirling
- 011 RUTH CHALMERS MB ChB, Doctor
c/o Forth Valley Nhs Trust, Stirling Road, Larbert
- 012 JOHNSTONE MOORE, Police Constable
Police Service of Scotland, Randolphfield, St Ninians Road, Stirling
- 013 CRAIG PIEROWAY, Police Sergeant
Police Service of Scotland, Bridge St, Falkirk
- 014 DAVID REILLY, Police Constable
Police Service of Scotland, Randolphfield, St Ninians Road, Stirling
- 015 MARK REID, Police Constable
Police Service of Scotland, West Bridge St, Falkirk
- 016 CHRISTOPHER HALAKA, Police Constable
Police Service of Scotland, Randolphfield, St Ninians Road, Stirling
- 017/

- 017 PAUL ROOSE, Police Constable
Police Service of Scotland, Buchanan Street, Balfron
- 018 ROBBIE CONACHER, Police Constable
Police Service of Scotland, Randolphfield, St Ninians Road, Stirling
- 019 DAVID CARMICHAEL, Police Constable
Police Service of Scotland, Randolphfield, St Ninians Road, Stirling
- 020 ALLANA LEES, Detective Constable
Police Service of Scotland, West Bridge St, Falkirk
- 021 RYAN SMITH, Detective Constable
Police Service of Scotland, West Bridge St, Falkirk
- 022 STEPHEN ROBY, Detective Constable
Police Service of Scotland, Randolphfield, St Ninians Road, Stirling
- 023 HANNAH ACHESON, Detective Constable
Police Service of Scotland, Randolphfield, St Ninians Road, Stirling
- 024 GORDON CURRIE, Police Constable
Police Service of Scotland, Randolphfield, St Ninians Road, Stirling
- 025 GAVIN MCLUSKEY, Police Constable
Police Service of Scotland, West Bridge St, Falkirk
- 026 PAUL MCCALLUM, Detective Sergeant
Police Service of Scotland, West Bridge St, Falkirk
- 027 ALISTAIR BELL, Scene Examiner
Police Service of Scotland, Randolphfield, Saint Ninians Road, Stirling,
- 028 GARY NOLAN BSc (Hons) PhD, Forensic Scientist
Forensic Services, Scottish Police Authority, West Victoria Dock Road,
Dundee
- 029 SARAH CLEMENT BSc (Hons), Forensic Scientist
Forensic Services, Scottish Police Authority, West Victoria Dock Road,
Dundee
- 030 LESLEY-ANNE BROWN, Reporting Fingerprint Examiner
Forensic Services, Scottish Police Authority, Glasgow Fingerprint Unit,
Scottish Crime Campus, Craignethan Drive, Gartcosh
- 031 KAREN MCBRIDE, Reporting Fingerprint Examiner
Forensic Services, Scottish Police Authority, Glasgow Fingerprint Unit,
Scottish Crime Campus, Craignethan Drive, Gartcosh
- 032/

- 032 JAMIE PARKINSON, Police Constable
Police Service of Scotland, Randolphfield, Saint Ninians Road, Stirling
- 033 BRIAN MURPHY, Police Constable
Police Service of Scotland, Randolphfield, Saint Ninians Road, Stirling

JH/ST/033/ED
PF Ref: ST18002684

2019
HIGH COURT
GLASGOW
OCTOBER

INDICTMENT

against

JOHN LAFFTERY,
11 Month Date 18/11/2019
12 Month Date 18/12/2019

(Assault, Severe Permanent
Disfigurement, Danger to Life and
Attempt Murder and CONTRARY to
the Criminal Law (Consolidation)
(Scotland) Act 1995, Section 47(1)
as amended.).

Preliminary Hearing
14 October - Glasgow

ANNEX D

Criminal Law (Consolidation) (Scotland) Act 1995

Section 47 - Prohibition of the carrying of offensive weapons.

(1) Any person who has with him in any public place any offensive weapon shall be guilty of an offence, and shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum, or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine, or both.

(1A) It is a defence for a person charged with an offence under subsection (1) to show that the person had a reasonable excuse or lawful authority for having the weapon with the person in the public place.

(2) Where any person is convicted of an offence under subsection (1) above the court may make an order for the forfeiture or disposal of any weapon in respect of which the offence was committed.

F5(4) In this section—

- "offensive weapon" means any article—
 - (a) made or adapted for use for causing injury to a person, or
 - (b) intended, by the person having the article, for use for causing injury to a person by—
 - (i) the person having it, or
 - (ii) some other person,
- "public place" means any place other than—
 - (a) domestic premises,
 - (b) school premises (within the meaning of section 49A(6)),
 - (c) a prison (within the meaning of section 49C(7)),
- "domestic premises" means premises occupied as a private dwelling (including any stair, passage, garden, yard, garage, outhouse or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling).